

Remarks

Claims 1-10 are currently pending in this application.

The Office Action objected to the drawings as not showing every claimed feature, and by using reference character “16” to designate two items; objected to the Abstract because it uses the term “disclosed”; rejected claims 1-5, 8, and 9 under 35 U.S.C. § 102(b) as anticipated by Johnson et al. (U.S. Patent No. 4,879,882); rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al.; and rejected claims 7 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al. in view of Mangan (U.S. Patent No. 5,006,375).

With regard to the drawing objections, Applicant amended claims 7 and 10 to render moot the first drawing objection. Applicant disagrees that reference character “16” is used to designate two items. Page 4, line 13 of the specification discloses a “[C]lip, clasp or similar retainer mechanism or device 16”. Thus, Applicant appropriately used reference numeral “16” to designate a clip device, a clasp device, a clip mechanism, a clasp mechanism or other similar retainer mechanism or device. Note that a clip device is a type of retainer mechanism. In light of this, Applicant respectfully requests reconsideration and withdrawal of the objections to the drawings.

Applicant addressed the objection to the Abstract by revising the Abstract to omit the term “disclosed”. Accordingly, Applicant respectfully requests withdrawal of this objection.

Applicant respectfully traverses the prior art rejections for the following reasons. Claims 1-10 recite a combination of elements, including an interchangeable entertainment object that is age appropriate and made of colors, materials, and shapes that entertain and pacify a young child.

In contrast, Johnson et al. fails to disclose or suggest an interchangeable entertainment object that is age appropriate and made of colors, materials, and shapes that entertain and pacify a young

child, and the Office Action failed to provide a cite to such disclosure in the reference. Rather, Johnson et al. merely disclose a pendant having decorative elements that are interchangeable by the wearer. The reference fails to disclose or suggest that the decorative elements are age appropriate and made of colors, materials, and shapes that entertain and pacify a young child. Nor can Johnson et al. possibly disclose this because the object of this reference's invention is to provide "jewelry designs in which decorative elements thereof can be easily changed by the wearer to provide a personalized appearance." (Col. 1, lines 15-17). In fact, the decorative elements shown in the Figures of Johnson et al. pose a dangerous choking hazard for young children, and are thus inappropriate for young children. The Johnson et al. reference is directed to providing personalized jewelry for fashion purposes, and neither contemplates nor suggests that the decorative elements are to be used to entertain or pacify young children.

The Office Action relied upon Mangan to show an ornamental object having a liquid provided therein. This reference is moot in light of the amendments to claims 7 and 10. However, Mangan also fails to disclose or suggest an interchangeable entertainment object that is age appropriate and made of colors, materials, and shapes that entertain and pacify a young child, as recited in claims 1-10.

In light of the above, Applicant respectfully submits that the prior art of record, whether taken alone or in any reasonable combination, fail to disclose or suggest the invention recited in claims 1-10. Applicant, therefore, requests reconsideration and withdrawal of the prior art rejections of these claims.

In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

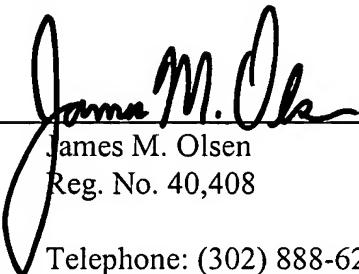
Application No. 10/772,056
Response dated September 29, 2004
Reply to Office Action of June 29, 2004

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 03-2775. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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